

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Kevin Hokenstrom

v.

Case No. 14-cv-557-SM

N.H. Department of Corrections,
et al.

REPORT AND RECOMMENDATION

Under the aegis of 42 U.S.C. § 1983, Kevin Hokenstrom, proceeding pro se, has sued the New Hampshire Department of Corrections ("DOC") and several current and former DOC employees claiming violations of his rights under the United States Constitution, the Americans with Disabilities Act ("ADA"), and the common law of New Hampshire. Before me for a report and recommendation is a motion to dismiss filed by the DOC, Robert MacLeod, Helen Hanks, Ryan Landry, Bernadette Campbell, and Christopher Kench. That motion has been joined by Jeffrey Fetter. Hokenstrom has not objected.

In an order dated December 10, 2015, Judge McAuliffe dismissed plaintiff's § 1983 claims to the extent that those claims were "based upon conduct that occurred before December 12, 2011." Order, doc. no. 44, 1. The Report and Recommendation that Judge McAuliffe approved in his Order

declined to address the question of whether plaintiff's ADA claims or his claims under New Hampshire common law were also time barred. Defendants now argue that that plaintiff is barred from pursuing ADA and state-law claims arising from conduct that occurred before December 12, 2011. They are correct, and their motion to dismiss, doc. no. 42, should be granted for the reasons stated therein.

Any objection to this Report and Recommendation must be filed within 14 days of receipt of this notice. See Fed. R. Civ. P. 72(b) (2). Failure to file an objection within the specified time waives the right to appeal the district court's order. See United States v. De Jesús-Viera, 655 F.3d 52, 57 (1st Cir. 2011); Sch. Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (only issues fairly raised by objections to magistrate judge's report are subject to review by district court; issues not preserved by such objection are precluded on appeal).


Andrea K. Johnstone
United States Magistrate Judge

March 29, 2016

cc: Kevin Hokenstrom, pro se
Elizabeth Mulholland, Esq.
Francis Charles Fredericks, Esq.